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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 NATHAN GUERRIERO,) CASE NO. EDCV 15-776-GHK(PJW)
11)
12 Plaintiff,) ORDER ACCEPTING REPORT AND
13 v.) ADOPTING FINDINGS, CONCLUSIONS,
14 BRIAN HADLEY, et al.,) AND RECOMMENDATIONS OF UNITED
15) STATES MAGISTRATE JUDGE
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17)
18 Defendants.)
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23 Pursuant to 28 U.S.C. § 636, the Court has reviewed the
24 Complaint, the other records on file herein, and the Report and
25 Recommendation of the United States Magistrate Judge. Further, the
26 time for filing objections has expired and no objections have been
27 made. The Court accepts the findings and recommendations of the
28 Magistrate Judge and adopts them as its own findings and conclusions
with the following modification at page five, lines 4-19:

23 This is true even were the Court to assume that the actions he
24 took were in error, were done maliciously, or were in excess of
25 his authority, *see id.*; and even assuming that Judge Hernandez
26 had not taken an oath of office and was otherwise unqualified to
27 be a judge. *See Conklin v. Anthou*, 495 Fed. Appx. 257, 264 (3d.
28 Cir. 2012) ("Even assuming that the defendants [judges and

1 others] had not, in fact, taken their oaths of office. . .
2 [plaintiff] points to no case law that would support the
3 conclusion that this omission abrogated claims to immunity.");
4 *Caler v. Keegan*, No. 13-2092, 2014 WL 1389950, at *3 (D. Co.
5 Apr. 9, 2014) (even if oath of office was deficient, that fact
6 did not abrogate or impact deputy sheriff's entitlement to
7 qualified immunity); *Jurich v. Campbell*, No. 13-12544, 2014 WL
8 109489, at *2 (E.D. Mich. Jan 13, 2014) (rejecting plaintiff's
9 argument that judge was acting outside his jurisdiction because
10 he did not properly file an oath of office and finding that
11 judicial immunity barred plaintiff's claims).
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13 IT IS THEREFORE ORDERED that the Complaint is dismissed with
14 prejudice.

15 DATED: 8/11/15

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18 GEORGE H. KING
19 CHIEF UNITED STATES DISTRICT JUDGE
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